



Docket No. 2112-342.1 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer No.
VEGLIANTE et al.	:	26817
	:	
Serial No. 09/970,015	:	Group Art Unit: 3724
	:	
Filed: October 3, 2001	:	Examiner: Hamilton, I.
	:	
Title: FILM CUTTER ASSEMBLY	:	Confirmation No. 2684
	:	
	:	x

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF PAUL VEGLIANTE
SUBMITTED UNDER 37 CFR 1.132

SIR:

1. I, Paul Vegliante, Executive Vice President of Operations of AEP Industries, Inc. (hereinafter referred to as "AEP"), assignee of the above-referenced application, with offices located at 125 Phillips Avenue, South Hackensack, New Jersey 07606, and an inventor of the above-described patent application, hereby declares as follows:

2. I understand that the above-identified patent application has been rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,440,961 to Lucas, Jr. et al. and U.S. Patent No. 5,295,046 to Kaiser et al. I have reviewed these references. It is my opinion that the claimed film cutter apparatus of the present application is non-obvious over the cited references because the claimed film cutter apparatus achieved superior results as shown by the following experiments.

3. Experiments were performed using a prototype slide cutter having the limitations of amended claim 1, including a rail of polyvinyl chloride comprising at

least 10% plasticizer for cutting a PVC film. Experiments were also performed using a slide cutter having the limitations of amended claim except for having a rail of acrylic for cutting a PVC film. Kaiser et al. discloses a rail of acrylic.

4. It was found that a slide cutter including a rail of acrylic provides a frictional based attraction between itself and the PVC film. The acrylic rail was not effective to hold the film firmly enough to provide consistent severing of the film before, during and after cutting of the film.

5. It was found that a slide cutter including a rail of polyvinyl chloride comprising 10% plasticizer provides cohesive cling properties between itself and the PVC film. The rail of polyvinyl chloride comprising 10% plasticizer was effective to hold the film firmly enough to provide consistent severing of the film before, during and after cutting.

6. A certified coefficient of friction test was completed under ASTM standards D-1894-01 for the rail formed of PVC comprising at least 10% plasticizer. The rail had a maximum gram of force measured at 1,500 grams. It is known in the art that a rail of acrylic will have a maximum gram of force for a friction attraction of less than 500 grams. Accordingly, in my opinion, the rail of PVC comprising at least 10% plasticizer achieves superior results over the rail of acrylic.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Dated: 9-18-06, 2006

By: Paul Vegliante

PAUL VEGLIANTE

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